

### **REMARKS**

Claims 1–46 were pending when the present Office Action was mailed (February 23, 2009), with claims 3, 7, 8, 12, 13, 17, 18, 22, 24, 25, 28, 31, 35, 36, 40, 45 and 46 withdrawn from consideration in response to a Restriction Requirement. In this response, claims 1, 6, 9, 14, 15, 19, 29, 32, 37 and 42 have been amended to clarify certain features of these claims to expedite prosecution of this application and without prejudice to pursuing these claims in unamended or other forms in a continuation or other application. Claims 4, 5, 10, 11, 16, 23, 26, 27, 33, 34, 41 and 44 have been canceled in this response without conceding the merits of the rejections of these claims and without prejudice to pursuing these claims in a continuation application. Accordingly, claims 1, 2, 6, 9, 14, 15, 19, 20, 21, 29, 30, 32, 37–39, 42 and 43 are currently pending.

In the February 23, 2009 Office Action, claims 1, 2, 4, 9, 10, 14, 15, 19–21, 26, 27, 29, 30, 32, 33, 37–39 and 41–43 were rejected. The Examiner objected to claims 5, 6, 11, 16, 23, 34 and 44 for depending from a rejected base claim. More specifically, the status of the application in light of this Office Action is as follows:

(A) Claims 1, 2, 9, 14, 26, 27, 29 and 30 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,658,503 to Johnston et al. ("Johnston");

(B) Claim 19 was rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,199,465 to Hattori ("Hattori");

(C) Claim 29 was rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,387,324 to Patterson et al. ("Patterson");

(D) Claims 32 and 37–39 were rejected under 35 U.S.C. § 103(a) over the combination of Johnston and the Background Information;

(E) Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hattori and the Background Information;

(F) Claims 4, 10, 15 and 19–21 were rejected under 35 U.S.C. § 103(a) over the combination of Johnston and Hattori;

(G) Claims 33, 41 and 43 were rejected under 35 U.S.C. § 103(a) over the combination of Johnston, the Background Information, and Hattori; and

(H) Claims 5, 6, 11, 16, 23, 34 and 44 are dependent claims which were indicated as being allowable if rewritten in independent form.

A. Response to the Section 102(b) Rejection over Johnston

Claims 1, 2, 9, 14, 26, 27, 29 and 30 were rejected under 35 U.S.C. § 102(b) over Johnston. Claims 26 and 27 have been cancelled in this response and independent claims 1, 9 and 14 have been amended to include features from allowable claims 5, 11 and 16, respectively. For example, claim 1 has been amended to recite "a precursor exposure assembly at least partially within the headspace, the precursor exposure assembly including a plurality of trays configured in a stack and positioned so that at least some nonvaporized precursor flows from the conduit into at least one of the trays to increase the surface area of the precursor exposed to the carrier gas." Accordingly, the Section 102(b) rejection of claims 1, 9 and 14 should be withdrawn.

Claim 29 has been amended to also include "a precursor exposure assembly at least partially within the headspace, the precursor exposure assembly including a plurality of trays configured in a stack and positioned so that at least some nonvaporized precursor flows from the conduit into at least one of the trays to increase the surface area of the precursor exposed to the carrier gas" similar to amended independent claim 1. Accordingly, the Section 102(b) rejection of claim 29 should also be withdrawn.

Claims 2 and 30 depend from independent claims 1 and 29, respectively. Accordingly, the Section 102(b) rejection of claims 2 and 30 should be withdrawn for at least the features described above with reference to claims 1 and 29 and for the additional features of these claims.

B. Response to the Section 102(b) Rejection over Hattori

Claim 19 was rejected under 35 U.S.C. § 102(b) over Hattori. Claim 19 has been amended in this response to include features of allowable claim 23. For example, amended claim 19 recites "a precursor exposure assembly comprising a plurality of trays configured in a

stack at least partially within the headspace." Accordingly, the Section 102(b) rejection of claim 19 should be withdrawn.

C. Response to the Section 102(b) Rejection over Patterson

Claim 29 was rejected under 35 U.S.C. § 102(b) as being anticipated by Patterson. As discussed above, independent claim 29 has been amended in this response to include allowable subject matter of allowable claim 23, and therefore the Section 102(b) rejection of claim 29 should be withdrawn.

D. Response to the Section 103(a) Rejection over the combination of Johnston and the Background Information

Claims 32 and 37–39 were rejected under 35 U.S.C. § 103(a) over the combination of Johnston and the Background Information. Independent claims 32 and 37 have been amended in this response to include features generally analogous to allowable claim 34. Accordingly, the Section 103(a) rejection of claims 32 and 37 should be withdrawn.

Claims 38 and 39 depend from independent claim 37. Accordingly, the Section 103(a) rejection of claims 38 and 39 should be withdrawn for at least the reasons discussed above with reference to claim 37 and for the additional features of these dependent claims.

E. Response to the Section 103(a) Rejection over the combination of Hattori and the Background Information

Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hattori in combination with the Background Information. Independent claim 42 has been amended in this response to include features generally analogous to allowable claim 44. Accordingly, the Section 103(a) rejection of claim 42 should be withdrawn.

F. Response to the Section 103(a) Rejection over the combination of Johnston and Hattori

Claims 4, 10, 15 and 19–21 were rejected under 35 U.S.C. § 103(a) over the combination of Johnston and Hattori. Claims 4 and 10 have been cancelled in this response, and claim 15 has been amended to depend from independent claim 14. As discussed above, claim 14 has been amended to include subject matter from allowable claim 16, and thus the Section 103(a) rejection of claim 15 should be withdrawn.

As discussed above, independent claim 19 has been amended in this response to include features from allowable claim 23. Accordingly, the Section 103(a) rejection of claim 19 should be withdrawn.

Claims 20 and 21 depend from claim 19. Accordingly, the Section 103(a) rejection of claims 20 and 21 should be withdrawn for at least the reasons discussed above with reference to claim 19 and for the additional features of these claims.

G. Response to the Section 103(a) Rejection over the combination of Johnston, the Background Information, and Hattori

Claims 33, 41 and 43 were rejected under 35 U.S.C. § 103(a) over the combination of Johnston, the Background Information and Hattori. Claims 33 and 41 have been cancelled in this response, and claim 43 depends from independent claim 42 that now includes the subject matter of allowable claim 44. Accordingly, the Section 103(a) rejection of claim 43 should be withdrawn for at least the reasons discussed above with reference to claim 42 and for the additional features of this claim.

H. Response to Claim Objections

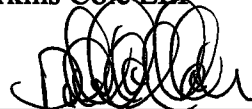
Claims 5, 6, 11, 16, 23, 34 and 44 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include the features of the claim from which they depend and any intervening claims. Applicant thanks the Examiner for indicating that these claims are allowable. The subject matter from these claims has been included in various independent claims, as described above, and thus these claims have been cancelled from the application.

Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The Applicants accordingly request reconsideration of the application and respectfully submit that the application is in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact David Groesbeck at (206) 359-8065.

Respectfully submitted,

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